

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 482 of 1997

in

SPECIAL CIVIL APPLICATION No. 127 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K. THAKKER

and

MR.JUSTICE S.D. PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
{1 to 5 : NO}

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MADHUBEN G PARMAR

Versus

CONTROLLER OF EXAMINATION  
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Appearance:

MS SUDHA R GANGWAR for Petitioner

MR NV ANJARIA for Respondent No. 1, 2  
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CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE S.D.PANDIT

Date of decision: 14/07/97

ORAL JUDGEMENT

This appeal is filed against the judgment and order dated 27th February, 1997 of the learned Single Judge, summarily dismissing the Special Civil Application No. 127 of 1997.

Appellant is original petitioner. It appears that she appeared in M.A {Part-I} examination in May, 1996. She got "0" marks in one of the subjects i.e. Economics Paper-II and whereas she obtained 5 marks in another paper. She applied for re-assessement. Looking to the affidavit-in-reply, it clearly appears that the paper in which appellant obtained "0" marks was again sent to another Examiner who awarded 5 marks. The contention of the appellant-petitioner before the learned Single Judge was that the paper ought to hae been sent for re-assessment to the third examiner. In the affidavit-in-reply, it was the contention of the respondent-university that a paper can be sent to third examiner for reasessment only in cases where there is difference of 15% or more marks. Since the appellant was awarded "0" marks by the first examiner and five marks by second examiner, there was no difference of 15% or more marks and hence it can not be sent to the third examiner for reassessment.

It cannot be said that factually this is not correct. If it is so, the question is of the policy adopted by the respondent-University. In view of the affidavit-in-reply, by dismissing the petition it cannot be said that any error of law has been committed by the learned Single Judge. Hence, appeal is dismissed. No order as to costs.

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